

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GREGORY C. REISING,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION
FEDERAL STUDENT AID,

Defendant.

CASE NO. 4:10CV3032

MEMORANDUM
AND ORDER

This matter is before the court on its own motion. On February 19, 2010, Plaintiff filed his Complaint in this matter (Filing No. [1](#)), along with a Motion for Leave to Proceed in Forma Pauperis ("IFP") (Filing No. [2](#)). On March 23, 2010, the court granted Plaintiff's IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [7](#).) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by April 21, 2010. (*Id.*)

The April 21, 2010, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter. (See Docket Sheet.) Therefore, Plaintiff's case is dismissed for failing to comply with the court's March 23, 2010, Memorandum and Order. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 \(8th Cir. Sept. 21, 2004\)](#) (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (Filing No. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court's orders;

2. A separate judgment will be entered in accordance with this Memorandum and Order; and
3. All pending motions are denied as moot.

DATED this 23rd day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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